

# State must fix special ed funding, too, advocates tell high court

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**The state Supreme Court is hearing from a new voice in the debate over school funding — advocates for special education students.**

By [John Higgins](#)

*Seattle Times education reporter*

As the state Supreme Court once again weighs whether the Legislature is doing enough to comply with the court's 2012 McCleary decision, the justices are hearing from many of the same groups: the plaintiffs in the case, of course, the state Superintendent of Public Instruction, and others.

But this year, the justices are hearing a new voice, too: from advocates for more than 125,000 Washington students who receive special education services.

"In reforming education, the State has overlooked the special needs of children with disabilities," [according to the brief](#) filed by the Arc of Washington State, which serves people with intellectual disabilities, and several other organizations and individuals.

They argue that the state's method for paying for special education hasn't kept pace with rising costs and has shifted much of the burden to local school districts, which don't all have the ability to cover costs that the state doesn't.

And they want to make sure that the court orders lawmakers to cover all the costs.

The state pays special education costs for up to 12.7 percent of a district's total enrollment. Districts that have more special education students than that must tap their local levies to pay for them.

In Spokane Public Schools, for example, 14.4 percent of the students need special education services.

Spokane, like other districts, also receives federal money for those 4,887 students, but the district still had to pay almost \$6 million out of its own levy this year to make up the shortfall between the costs of educating those students and what the federal and state government provide, said Shawn Lewis, the district's government relations director.

Schools have long complained that the federal government has never provided enough for special education, but Washington's Supreme Court has made it clear that special education is the state's responsibility regardless of the federal budget.

"Lacking federal funding, the state has the responsibility to pick up the difference," Lewis said. "If the feds aren't going to provide it, the state has to."

Counting Spokane, 120 of the state's 295 school districts have a greater share of special education students than the state pays for, according to the brief.

The 12.7 percent cap isn't the only limitation the state places on special education funding.

Districts receive the same amount for special education students — almost double the per-pupil funding for basic education — regardless of disability, according to a formula developed in the early 1990s.

Previously, the state paid different amounts for different disabilities, which was believed to inflate costs because it created incentives for districts to exaggerate students' needs to collect more money.

But Lewis said the flat-rate formula hasn't kept up with disability research since the 1990s, particularly with the increased diagnosis and treatment of autism.

That's why advocates argue in their brief that increasing state support for schools, which lessens the need for local levies, alone won't solve the problem.

"Even if the 2017 Legislature addresses the levy problem as promised, it must also fix the funding formula in order to ensure that special education funding matches the actual costs of meeting individual needs," they wrote.

*John Higgins: 206-464-3145 or [jhiggins@seattletimes.com](mailto:jhiggins@seattletimes.com) On Twitter [@jhigginsST](https://twitter.com/jhigginsST)*